

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Daniel E. Chase, Steven J. Meister,
William David, Jay Andrews, Raymond
Tetrault, Sally N. Tetrault, Norman
O. Tetrault, Rita J. Tetrault, and
Steven J. Sadowski, individuals,

Plaintiffs,

v.

ORDER

Civ. No. 05-3010 ADM/AJB

Neulan D. Midkiff, Neulan David Midkiff,
Jr., Donna Midkiff, individuals; Central
Financial Services, LLC; and Joshua Tree
Group, LLC, a Nevada limited liability
company,

Defendants.

Neulan D. Midkiff, *pro se*.

Before the Court is Defendants Neulan D. Midkiff, Neulan David Midkiff, Jr., and Donna Midkiff's ("Defendants") Motion for Relief from Order [Docket No. 29].¹ In their Motion, Defendants ask for relief from Judgment [Docket No. 25], granted on May 9, 2006, pursuant to the Court's Order [Docket No. 24] finding the Defendants in default. Defendants argue that they are entitled to relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Defendants aver that Plaintiffs engaged in misconduct by pursuing their case against Defendants despite a United States District Court Order in Texas, preventing the filing or prosecuting of any actions involving Defendants' assets. Defendants also argue that the Judgment is void because the Court does not have subject matter jurisdiction.

¹ Although the Motion is purportedly from all three of the individually named Defendants, it is signed only by Neulan D. Midkiff, who is not an attorney.

On August 11, 2006, the Court issued an Order [Docket No. 26] staying the above-titled case until the matter in Texas is resolved. As noted in the Court's previous Order, the basis of the stay is a Receivership Order entered in Securities and Exchange Commission v. Correll, No. 4:05cv472 (E.D. Tex. filed Dec. 7, 2005), by the Honorable Richard A. Schell of the United States District Court for the Eastern District of Texas, staying and restraining any legal actions for damages against Neulan D. Midkiff and Joshua Tree Group, LLC. Accordingly, the Court finds no basis to grant Defendants' present Motion. There is no evidence that the Plaintiffs engaged in misconduct in pursuing their claims against Defendants, subject matter jurisdiction exists, and this matter does not presently interfere with Defendants' assets since it is stayed pending resolution of Correll.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendants' Motion for Relief from Order [Docket No. 29] is **DENIED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: September 22, 2006.